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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/428,912	10/28/1999	TAE WON KIM	K-007A	5297
34610	7590	12/30/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			SMITH, SHEILA B	
			ART UNIT	PAPER NUMBER
			2681	
DATE MAILED: 12/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/428,912

Applicant(s)

KIM ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 5,6,8,9 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-4,7,10-25,35 and 36 is/are allowed.
- 6) ☐ Claim(s) 27-34,37-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi et al. (U.S. Patent Number 5,781,553) in view of Bilgic et al. (U.S. Patent Number 5,884,148).

*Regarding claim 27*, Choi et al. in view of Bilgic et al. discloses everything claimed as applied above additionally, Choi et al. discloses that data is exchanged between first and second communication devices based on information contained in a plurality of separate frames of a data frame which provides for communication between elements of the communication network so to enable communication using different first and second data transfer protocols (which reads on column 3 lines 50- 67 and column 4 lines 40-55) however Choi et al. fails to specifically disclose (a) a data communication system, comprising: a first communication device; a second communication device; and communication network which exchanges data between said first communication device and said second communication device and (b) a first and second data transfer protocol being different.

In the same field of endeavor, Bilgic et al. discloses wireless local loop system and method. In addition Bilgic et al. discloses (a) a data communication system, comprising: a first communication device (105); a second communication device(105a-c); and communication

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network (120) which exchanges data between said first communication device and said second communication device (which reads on column 4 lines 23-55).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Choi et al. by modifying a digital wireless private branch exchange system with the use of (a) a data communication system, comprising: a first communication device; a second communication device; and communication network which exchanges data between said first communication device and said second communication device as taught by Bilgic et al. for the purpose of operating a plurality of devices

The examiner contends however that (b) the use of protocols being different is well known in the art, and the examiner takes official notice as such.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combined teachings of Choi et al. in view of Bilgic et al. with the well known prior art, since such as protocols are known to be widely used in the industry for the purpose of connecting a end user to the network.

**Regarding claim 28**, Choi et al. in view of Bilgic et al. discloses everything claimed as applied above (see claim 1), in addition Choi et al. discloses second communication device comprises a first computer (which reads on a CPU 331) coupled to a mobile telephone (which reads on a terminal device 120).

**Regarding claim 29**, Choi et al. in view of Bilgic et al. discloses everything claimed as applied above (see claim 1), in addition Choi et al. discloses second communication device comprises a second computer (which reads on 331) coupled to a modem (which reads on base band modem 337).

**Regarding claims 30-34**, Choi et al. in view of Bilgic et al discloses everything claimed as applied above (see claim 1), in addition Choi et al. discloses a data control system comprises a connection device to mobile data which provides a data path for signals and data transmission between a base station and said data control system (which reads on column 8 lines 15-30); a connection device to public network data which connects a public network of said data control system with a public network of said base station controller and switching system and sets a data traffic path between said data control system and said base station controller and switching system (which reads on column 2 lines 33-38); a data processing device which performs protocol communication with the base station and selectively modulates and demodulates input data to provide the modulated or demodulated data to the called party or the calling party (which reads on column 2 lines 33-38); and a main processing device which assigns a resource of said data control system and identifies the state of the resource in response to a data call request of the base station (which reads on column 8 lines 60-68).

2. Claims 37-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi et al. (U.S. Patent Number 5,781,553) in view of Bilgic et al. and further in view of Petch et al. (U.S. Patent Number 5,781,593) .

**Regarding claim 37**, Choi et al. in view of Bilgic et al. and further in view of Petch et al. discloses everything claimed as applied above (see claim 1), in addition Choi et al. discloses a method for controlling a data communication between a calling party and a called party in a communication system, comprising; information arrival of a call setting request message in response to a call request signal of the calling party (which reads on column 8 lines 15-30); identifying a type of a call; assigning a modem resource suitable for the type of call (which reads

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on column 2 lines 25-32); performing protocol communication between a data processing device and the calling party using link resources provided between a base station controller and switching system and a connection device to mobile data (which reads on column 2 lines 33-38); connecting to the called party through a channel resource provided between the base station controller and switching system and the connection device to the public network data (which reads on column 1 lines 21-28 and column 3 lines 17-28); setting a communication path based on a connection state (which reads on column 2 lines 33-38); and performing data communication between the calling party and the called party through the communication path (which reads on column 8 lines 15-30),.

***Regarding claims 38, 39,*** Choi et al. in view of Bilgic et al. and further in view of Petch et al. discloses everything claimed as applied above (see claim 1), in addition Choi et al. discloses a method for controlling a data communication requesting a path setting request message (which reads on column 8 lines 15-30); a connection to a public network (which reads on column 2 lines 33-38); a and informing a main processing device of a connection result (which reads on column 2 lines 33-38).

***Regarding claims 40-42,*** Choi et al. in view of Bilgic et al. and further in view of Petch et al. discloses everything claimed as applied above (see claim 1), in addition Choi et al. discloses a data control system comprises a connection device to mobile data which provides a data path for signals and data transmission between a base station and said data control system (which reads on column 8 lines 15-30); a connection device to public network data which connects a public network of said data control system with a public network of said base station

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controller and switching system and sets a data traffic path between said data control system and said base station controller and switching system (which reads on column 2 lines 33-38); a data processing device which performs protocol communication with the base station and selectively modulates and demodulates input data to provide the modulated or demodulated data to the called party or the calling party (which reads on column 2 lines 33-38); and a main processing device which assigns a resource of said data control system and identifies the state of the resource in response to a data call request of the base station (which reads on column 8 lines 60-68).

*Regarding claim 43- 45*, Choi et al. in view of Bilgic et al. and further in view of Petch et al. discloses everything claimed as applied above (see claim 1), in addition Choi et al. discloses the calling party and the called party are mobile station (which reads on column 2 lines 33-38).

***Allowable Subject Matter***

3. Claims 1-4, 7,10-25, 35,36, are allowed.

***Response to Arguments***

Applicant's arguments with respect to claims 27-34 and 37-45 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith   
December 27, 2005

  
**TEMICA BEAMER**  
**PRIMARY EXAMINER**  
12/27/05